

**RALEIGH BOARD OF ADJUSTMENT
DECISIONS
February 6, 2017**

A-132-16, WHEREAS, Halpern Enterprises, Inc., property owner, requests variances to Conditions 8, 14, 15, 16, and 17 of City of Raleigh Ordinance (2016) 622 ZC 735, which sets forth those zoning conditions associated with rezoning case Z-6-16. The variance to each zoning condition is summarized herein: (1.) Condition 8: a variance to this condition that prohibits a driveway cut along the property's Old Leesville Road frontage in order to permit a driveway serving the Leesville Teacherage structure. (2.) Condition 14: a variance to the language of this condition that prohibits a building from being located south of the line described in the condition. (3.) Condition 15: a variance to the requirement that a portion of the property be maintained as a tree conservation area or undisturbed area in order to permit the location of a driveway serving the Leesville Teacherage structure. (4.) Condition 16: a variance to this condition in order to permit the Leesville Teacherage to remain on the property even though its primary building materials do not comply with this condition and (5.) Condition 17: a variance to this condition in order to permit the relocation of the Leesville Teacherage structure to another location on the property and to allow for the issuance of a building permit for new development once such relocation occurs on a 7.72 acre property zoned Neighborhood Mixed-use-3 Conditional Use (NX-3-CU) and located at 9501 Leesville Road and 9513, 9601 and 9605 Old Leesville Road.

Decision: Deferred to the Board's March 13, 2017 meeting.

A-133-16, WHEREAS, ITB Holdings, LLC, property owner, requests a variance to Raleigh City Code section 10-2046(d)(2) to permit twenty-foot front yard setbacks and twenty-foot corner lot side yard setbacks along Wake Forest Road and the proposed extension of Wake Towne Drive, for property with an site plan submitted and in review under the previous Industrial-1 legacy zoning ordinance. The requested variances propose to reduce the front yard setback and corner lot side yard setback from 50 feet to 20 feet on a 22.44 acre property currently zoned Commercial Mixed Use-3 stories-Parking Limited (CX-3-PL) and located at 2912 Wake Forest Road.

Decision: Withdrawn.

A-134-16, WHEREAS, ITB Holdings, LLC, property owner, requests a special use permit pursuant to Raleigh City Code section 10-2144(b) in order to permit twenty-foot front yard setbacks and twenty-foot corner lot side yard setbacks along Wake Forest Road and the proposed extension of Wake Towne Drive, for property with an site plan submitted and in review under the previous Industrial-1 legacy zoning ordinance. The requested special use permit proposes to reduce the front yard setback and corner lot side yard setback from 50 feet to 20 feet on a 22.44 acre property currently zoned Commercial Mixed Use-3 stories-Parking Limited (CX-3-PL) and located at 2912 Wake Forest Road.

Decision: Approved as requested.

A-1-17, WHEREAS, Varinder Sharma, property owner, requests a special use permit pursuant to Sections 6.4.1.C. and 10.2.9. of the Unified Development Ordinance in order to allow a Day Care Center with up to 30 enrollees on a .74 acre site zoned Residential-4 and located at 4000 Buffaloe Road.

Decision: Deferred to give Applicant the opportunity to produce a Traffic Impact Analysis; at which time the application will return to the next available meeting agenda.

A-2-17, WHEREAS, Jewels Realty Investment, LLC, property owner, requests a 12 foot variance from the 1,125 foot radius spacing requirement between Supportive Housing Residences set forth in Section 6.2.1.J.2.c. of the Unified Development Ordinance such that there is only 1,113 feet between an existing Supportive Housing Residence and a proposed Supportive Housing Residence to be located on a .27 acre property zoned Residential-6 and located at 3012 Oldham Court.

Decision: Approved with the condition the Applicant provides a minimum of 6 off-street parking spaces.

A-3-17, WHEREAS, Frank Scirica II, property owner, requests a 9.4 foot rear yard setback variance pursuant to section 2.2.1 of the Unified Development Ordinance to expand the existing detached house to the side and rear resulting in a 20.6 foot rear yard setback on a .34 acre property zoned Residential-4 and located at 2400 White Oak Road.

Decision: Approved as requested.

A-4-17, WHEREAS, James and Marguerite Hardy, property owners, request a 6 foot side setback variance to allow for an addition to the detached house as well as a 9 foot sum of side setback variance to legalize the existing detached house pursuant to Section 2.2.1. of the Unified Development Ordinance resulting in a 4' side yard setback and an 11 foot sum of side setbacks on a .2 acre property zoned Residential-4 and located at 2709 Lochmore Drive.

Decision: Approved as requested.

A-5-17, WHEREAS, City Wide Homes, LLC, property owner, requests a 6.2 foot side yard setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance to convert the existing attached carport into an enclosed garage resulting in a 3.8' side yard setback on a .34 acre property zoned Residential-4 and located at 7725 Audubon Drive.

Decision: Approved as requested.

A-6-17, WHEREAS, Elizabeth Kane, property owner, requests a 15 foot variance to the minimum lot width requirements for corner lots set forth in Section 2.2.1. of the Unified Development Ordinance in order to subdivide the existing property into two lots used for detached houses as well as complete relief from the off-street parking requirements for detached houses set forth in Section 7.1.2. of the Unified Development Ordinance resulting in two detached house lots, the corner lot of which is 45 foot wide and no off-street parking for the resulting lots created out of the .38 acre property zoned Residential-6 and Special Residential Parking Overlay District located at 2503 Mayview Road.

Decision: Deferred to the Board's March 13, 2017 meeting to re-advertise for a 20 foot variance in the minimum lot width requirements per application submitted.

A-7-17, WHEREAS, RALDT, LLC, property owner, requests a 3 foot variance to the minimum side and rear lot line setbacks of either 0' or 6' for mixed-use buildings set forth in Section 3.2.6.B. of the Unified Development Ordinance that results in a 3' side and rear setback adjacent to the lot immediately north of the property on a .57 acre property zoned Downtown Mixed-Use- 20-Shopfront and located at 423 S. McDowell Street.

Decision: Deferred to the Board's March 13, 2017 meeting.

A-8-17, WHEREAS, Cherokee Holding, LLC, property owner, requests: (1) a variance to article 3.4.2.C and 3.4.6. of the Unified Development Ordinance (UDO) to permit a proposed building expansion to the rear of the existing building which does not comply with the Green frontage standards. Additionally, this variance would permit parking within 20 feet of the primary street parking setback, parking between the building and the street, and the building expansion setback 5 feet from the side street instead of within the build-to area; (2) a variance to UDO Article 3.5, Neighborhood Transitions, including UDO Section 3.5.1.D., to permit the proposed building expansion to the rear which would permit the expanded building to be setback 7.5' from the alley right-of-way, without having to fully comply with the alley transition standards for Zones A, B and C of the neighborhood transitions; (3) a 4 parking space variance to UDO Article 7.1 to permit the proposed building expansion with only 16 parking spaces instead of the required 20 parking spaces ; and (4) a variance to UDO Section 8.4.7.B to avoid having to dedicate approximately 2.5' of right-of-way along the alley at the rear of the .26 acre property zoned Office Mixed-use-3-Green located at 1600 Hillsborough Street.

Decision: Approved as requested.

A-9-17, WHEREAS, Hedgehog Holdings, LLC, property owner, requests a 20 foot front yard setback variance from the Mordecai Neighborhood Conservation Overlay District requirements set forth in Section 5.4.3.F.8.a.v. of the Unified Development Ordinance to construct a detached house which results in a 15 foot front yard setback on a .18 acre property zoned Neighborhood Mixed-use 3 and Neighborhood Conservation Overlay District and located at 1128 N. Blount Street.

Decision: Deferred to the Board's March 13, 2017 meeting.

A-10-17, WHEREAS, North State Street LLC, property owner, requests a 12 foot variance to the minimum lot width requirements for interior lots set forth in Section 2.2.1. of the Unified Development Ordinance, in order to subdivide two existing lots such that there are three resulting lots used for detached houses; and complete relief from both the 5' side yard and the 10' side street setbacks as well as the sum of side setback requirement for the existing detached house which results in a 0 foot side yard setback and 0 foot side street setback for the existing detached house and a 0' sum of side setbacks; and the addition of a new third lot, which results in a 33 foot wide interior lot created out of the two existing lots totaling .35 acres zoned Residential-10 and located at 210 and 212 N. State Street.

Decision: Approved as requested.

A-11-17, WHEREAS, Telegraph Road Properties, LLC, property owner, requests a 3 foot rear yard setback variance from Section 2.2.1. to construct a detached house that results in a 17 foot rear yard setback on a .05 acre property zoned Residential-10 and located at 406 E. Alston Street.

Decision: Approved as requested.

A-12-17, WHEREAS, William Mebane, property owner, requests a .9 foot side yard setback variance and a .9 foot sum of side setbacks variance from Section 2.2.1. of the Unified Development Ordinance to construct a detached house that results in a 4.1 foot side yard setback and a 9.1 foot sum of side yard setbacks on a .10 acre property zoned Residential-10 and located at 536 E. Lenoir Street.

Decision: Approved as requested.

A-13-17, WHEREAS, William Mebane, property owner, requests a .9 foot side yard setback variance and a .9 foot sum of side setbacks variance from Section 2.2.1. of the Unified Development Ordinance to construct a detached house that results in a 4.1 foot side yard setback and a 9.1 foot sum of side yard setbacks on a .10 acre property zoned Residential-10 and located at 534 E. Lenoir Street.

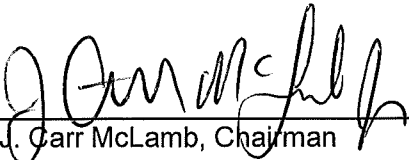
Decision: Approved as requested.

A-14-17, WHEREAS, William Mebane, property owner, requests a .9 foot side yard setback variance and a .9 foot sum of side setbacks variance from Section 2.2.1. of the Unified Development Ordinance to construct a detached house that results in a 4.1 foot side yard setback and a 9.1 foot sum of side yard setbacks on a .10 acre property zoned Residential-10 and located at 532 E. Lenoir Street.

Decision: Approved as requested.

A-15-17, WHEREAS, Raleigh Restoration Group, LLC, property owner, requests a 1.45 foot front yard setback variance from the South Park Neighborhood Conservation Overlay District requirements set forth in Section 5.4.3.F.15.e. to construct a detached house that results in a 10.5 foot front yard setback on a .09 acre property zoned Residential-10 and Neighborhood Conservation Overlay District located at 1017 S. Person Street.

Decision: Approved as requested.


J. Carr McLamb, Chairman

2/20/17
Date